THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21298 of 2006

Dated: 05-06-2007

Between:

B. Durga Reddy.

..... PETITIONER

AND

The Government of A.P., rep. by its Secretary,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21298 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring about Acs.14.38 ½ guntas in survey Nos.28/1, 43 and 53 situated at Ramreddypeta Village, Kalher Mandal, Medak District. The land is dry land adjacent to the reservoir of Nizam Sagar Project. It is the case of the petitioner that in 1980 the full reservoir level (FRL) was fixed at 1400 feet MSL and subsequently it was increased to 1405 feet MSL, as a result of which the land of the petitioner got submerged as and when the FRL is reached. Therefore, he represented to the respondents for redressal i.e., to prevent submergence of the land, in vain. In this writ petition,

he seeks a direction to the respondents not to deprive him from enjoying the land or to acquire the land under the provisions of the Land Acquisition Act, 1894.

Though it is urged in the writ affidavit that the petitioner made number of representations, admittedly he did not retain any such representations nor any of them are annexed to the writ petition. Therefore, having regard to the nature of the case, this Court is of the considered opinion that the petitioner should approach first respondent for redressal.

Accordingly the writ petition is disposed of giving liberty to the petitioner to make a representation to the District Collector, Medak District. After receiving such representation, said authority may conduct an enquiry through the subordinate officials and if subject land is coming up in the submergence area as and when FRL of 1405 feet MSL is reached, initiate necessary action as per law for acquiring the same. Having regard to the nature of the enquiry, this Court is not inclined to fix any time limit for complying the same, which may be taken up expeditiously. No costs.

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(**V.V.S.RAO, J**)

05th June, 2007
ghn